

Date:

(Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 595, L.D. 930, “An Act to Amend the Law Governing Items Identified as Prison Contraband”

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 17-A MRSA §757, sub-§4 is enacted to read:

4. If the prison contraband under subsection 1, paragraph B is electronic contraband that is not intended to be used to commit a separate crime, trafficking in prison contraband is a Class D crime. For purposes of this subsection, "electronic contraband" means a mobile telephone or other handheld electronic communication device not authorized or issued by the custodial authority.

Sec. 3. 17-A MRSA §757-A, as enacted by PL 2001, c. 386, §2, is amended to read:

§757-A. Trafficking of tobacco or vaping device in adult correctional facilities

1. A person is guilty of trafficking tobacco or a vaping device in an adult correctional facility if:

A. That person intentionally conveys or attempts to convey tobacco or tobacco products or a vaping device to a person confined in an adult correctional facility that has banned the use of tobacco or tobacco products or vaping devices by prisoners; or

B. That person is confined in an adult correctional facility that has banned the use of tobacco or tobacco products or vaping devices by prisoners and the person intentionally obtains or possesses tobacco or tobacco products or a vaping device.

2. As used in this section, "adult correctional facility" means a county jail or correctional facility other than a juvenile facility under the control of the Department of Corrections and "vaping device" means a device, also known as a vape, e-cigarette, electronic cigarette or electronic vaporizer, that simulates smoking using an atomizer, a power source such as a battery and a container such as a cartridge or a tank and is used for ingesting any substance, including a drug identified in section 1101, subsection 11.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

This amendment, which is the majority report of the committee, does the following.

2. It amends the bill by moving the bill's references to vaping devices from the law regarding trafficking in prison contraband to the law regarding trafficking of tobacco in adult correctional facilities. This change also makes trafficking of a vaping device a Class E crime instead of the bill's proposal of making it a Class D crime.

(See attached)